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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,190	07/18/2003	Alfred Schiller	5313	2244

26936 7590 05/04/2005

SHOEMAKER AND MATTARE, LTD  
10 POST OFFICE ROAD - SUITE 110  
SILVER SPRING, MD 20910

EXAMINER

FAULCON JR, LENWOOD

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/622,190

Applicant(s)

SCHILLER ET AL.

Examiner

Lenwood Faulcon, Jr.

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/24/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5-13, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rockwell et al. (U.S. Patent No. 6,141,584).

Rockwell et al. teaches of a defibrillator with wireless communications capability (col. 5 lines 3-4). Rockwell et al. further teaches of the wireless communications being used as wireless communications network which communicates with a patient simulator and a computer in allowing for defibrillator testing to be done (col. 5 lines 31-35).

Rockwell et al. also teaches of the use of various wireless communications including telemetry, cellular telephones and cellular modems (col. 16 lines 40-45). Rockwell et al. further teaches that the defibrillator test may operate on a regular maintenance schedule periodically and a record of the tests is stored (col. 16 lines 2-8 and 14-22). Rockwell et al. also teaches that testing may include an internal self test and battery condition (co. 16 lines 2-8). Rockwell et al. further teaches of alerting a user to conditions detected (col. 12 lines 40-54). Rockwell et al. also teaches of the use of a speaker (232) and microphone (212) for communicating with a user.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rockwell et al. (U.S. Patent No. 6,141,584) as applied to claims 1-3, 5-13, 17 and 19 above, in view of Garberoglio (U.S. Patent No. 6,400,987).

Garberoglio teaches of an implantable defibrillator that uses telecommunications for relating data, in which the system may be of the GSM radio-telephone type (col. 7 lines 33-45) or the satellite radio locating type called GPS (col. 7 lines 46-55).

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Rockwell et al. as applied to claims 1-3, 5-13 and 17 and 19 as applied above, with the teachings of Garberoglio to have a defibrillator with wireless communications capabilities that may be in the form of GSM or GPS technologies. Rockwell et al. and Garberoglio both teach of defibrillators that employ wireless communication, and thus teach of analogous arts. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device as taught by Rockwell et al. to include GSM or GPS technologies as a form of wireless communication since these technologies may enhance the operability and effectiveness of communication, and further since Rockwell et al. suggests the use of various wireless and cellular communications (col. 16 lines 40-45). Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine teachings of Rockwell et al. and Garberoglio to have the limitations of claims 4 and 14.

4. Claims 15-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rockwell et al. (U.S. Patent No. 6,141,584) in view of Garberoglio (U.S. Patent No.

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6,400,987) as applied to claims 4 and 14 above, and further in view of Faller (U.S. Patent No. 5,575,807).

Faller teaches of a medical device power supply with an AC disconnect alarm and a method of supplying power to a portable defibrillator (col. 1 lines 46-49). Faller further teaches that the alarm may be sounded when the defibrillator is disconnected from the power supply (col. 2 lines 6-10). It is inherent in the device and method as taught by Faller that the power supply is connected to a wall and acts as a fitting for fixing the defibrillator to the wall.

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Rockwell et al. and Garberoglio as applied to claims 4 and 14 above, with the teachings of Faller to have a defibrillator that is capable of being fixed to a wall and having the ability to detect when it is removed from the power supply. Rockwell et al., Garberoglio and Faller all teach of defibrillation systems and thus teach of analogous arts. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device as taught by Rockwell to include an alarm that detects when the defibrillator has been disconnected from a wall, since doing so would help to prevent a user from attempting to operate the defibrillator without adequate energy to power the defibrillator, as taught by Faller (col. 1 lines 52-55). Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Rockwell et al., Garberoglio and Faller to have the limitations of claims 15-16 and 18.

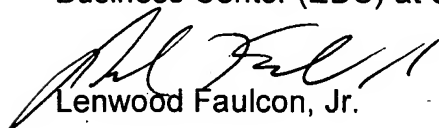
**Conclusion**

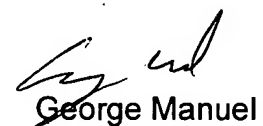
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shambroom (U.S. Patent No. 5,368,041), Morgan (U.S. Patent No. 5,591,213), Morgan et al. (U.S. Patent No. 5,593,426), Ochs et al. (U.S. Patent No. 5,899,925), Morgan (U.S. Patent No. 6,016,059), Nova et al. (U.S. Patent No. 6,334,070).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lenwood Faulcon, Jr. whose telephone number is 571-272-6090. The examiner can normally be reached on Monday-Thursday from 9 to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes, can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lenwood Faulcon, Jr.

  
George Manuel

Primary Examiner